



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

AUG 21 2000

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 12325

EXPIRATION DATE: July 31, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Smart-Hose Technologies, Inc.
Sharon Hill, Pennsylvania
2. PURPOSE AND LIMITATION:

This exemption authorizes the unloading of railroad tank cars, containing hazardous materials identified in paragraph 6, with a reduced level of attendance, provided that specially designed hoses, capable of preventing a catastrophic uncontrolled release of product is utilized. This exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 174.67(i) and (j) and the marking requirements of § 172.302(c) are waived.
5. BASIS: This exemption is based on the application of Smart-Hose Technologies dated July 23, 1999, submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Hazardous materials as specified in § 172.101 Table authorized in railroad tank cars	As appro- priate	As appro- priate	As appro- priate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT and non-DOT specification tank cars authorized for the material specified meeting all DOT specification requirements.

b. Hoses used for the unloading operation must be constructed by the exemption holder, equipped with cable connected wedges, plungers or flapper valves located at each end of the hose.

c. Each facility operator unloading tank cars must install a bi-directional derail in an effective location (at least 50 feet when possible) from the end of the equipment to be protected by the caution sign. The person performing the unloading operation must lock the device in the derailing position with an effective locking device operable only by a representative of the facility.

d. Each facility operator must designate an employee responsible for on-site monitoring of the transfer facility. The designated employee must be made familiar with the nature and properties of the product contained in the tank car, procedures to be followed in the event of an emergency; and, in the event of an emergency, have the ability and authority to take responsive actions. If no signalling system (non-human monitoring) is utilized, the transfer facility must be inspected by the designated employee at least hourly and a log must be maintained documenting the times and date of the inspection.

e. When a signalling system is used (including a monitoring system or a sensing device), the system must be capable of alerting the designated employee in the event of an emergency and providing immediate notification of any monitoring system malfunction. (For recommendations on the selection,

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installation and maintenance of signalling systems see NFPA 72 - Installation, Maintenance and Use of Protective Signalling Systems.)

f. In the absence of the unloader:

(i) the tank car and facility shut off valves must be secured in the closed position;

(ii) no product may be transferred; and

(iii) the requirements of § 174.67(a)(2) and (3) apply.

g. Hoses must be tested in accordance with the written procedures, time-frames and acceptance criteria established and provided by the hose manufacturer.

8. SPECIAL PROVISIONS:

a. At each facility unloading tank cars under this exemption, the facility operator must have written safety procedures on file. The facility operator must instruct each employee performing any function under this exemption on the contents of these procedures and ensure compliance with them. The written procedures must contain at least the following:

(i) A physical description of the facility including the address and hours of operation.

(ii) A drawing of the transfer facility showing natural and manmade barriers, locations of protective equipment (i.e. derail and caution sign), locations of emergency equipment and locations of signalling equipment.

(iii) Procedures for monitoring the transfer facility [see paragraphs 7(d) and (e)].

(iv) Information on the contents of the tank car including:

- (a) chemical or common name of the product
- (b) health and physical hazards involved in handling the product
- (c) emergency and first aid procedures

(v) Procedures for securing the transfer facility and protective equipment (e.g. derail, switch locks, tank

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car brakes, caution sign and wheel blocks as applicable).

(vi) Equipment available for employee safety and procedures for using the equipment.

(vii) Procedures and limitations for movement of tank cars in the vicinity of the transfer facility.

(viii) Testing and maintenance of system components including the transfer hose and signalling systems, if used.

(ix) Training requirements for designated employees responsible for monitoring the transfer facility.

(x) Procedural steps in the event of an emergency, including names and phone numbers of key personnel and public agencies to contact.

(xi) Procedures for reviewing incidents to determine whether the written procedures require revision or modification to prevent future occurrences and amending those procedures when the review necessitates changes.

b. The facility operator must establish and maintain liaison with fire, police and other appropriate public officials to learn the responsibilities and resources of each governmental agency that may be called upon to respond to an emergency involving the tank car and transfer facility and acquaint the officials with the facility's capabilities and procedures in the event of an emergency.

c. The marking requirements of § 172.302(c) are waived.

d. A person who is not a holder of this exemption may unload railroad tank cars authorized by this exemption only in conformance with the terms of this exemption provided a copy of this exemption is maintained at each location where such unloading takes place. The copy of this exemption must be made available to a DOT representative upon request.

e. Each hose manufactured under the authority of this exemption must be marked with the name of the manufacturer, the location (city and state) of the facility at which it is manufactured, and the date of manufacture.

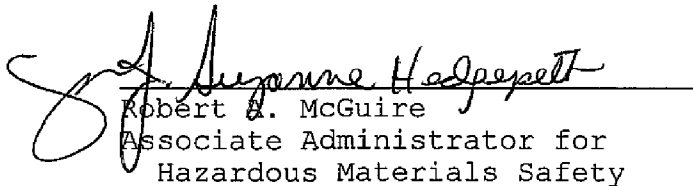
9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.
10. MODAL REQUIREMENTS: None as a requirement of this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:


Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration,

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Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office.
Photo reproductions and legible reductions of this exemption are
permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S.
Department of Transportation, 400 7th Street, S.W., Washington, DC
20590-0001, Attention: Records Center, 202-366-5046.

PO: Schoonover/KFW